

**MEMORANDUM OF UNDERSTANDING
EXHIBIT “C”
ZONING ORDINANCE/MAP AMENDMENT**

**LOWER MACUNGIE TOWNSHIP
Lehigh County, Pennsylvania**

**ORDINANCE #2010-____
(Duly Adopted June 3, 2010)**

AN ORDINANCE AMENDING LOWER MACUNGIE TOWNSHIP ZONING ORDINANCE OF 1998 BY ESTABLISHING FOUR NEW CLASSES OF ZONING DISTRICTS: HIGHWAY INDUSTRIAL – SPRING CREEK (HI-SC), COMMERCIAL – SPRING CREEK (C-SC), AGRICULTURAL PROTECTION OVERLAY (APO), AND URBAN RESIDENTIAL OVERLAY (UO); PROVIDING FOR USES PERMITTED BY RIGHT, USES PERMITTED BY CONDITION, USES PERMITTED BY SPECIAL EXCEPTION, ACCESSORY USES, LOT AREA, WIDTH, BUILDING COVERAGE AND HEIGHT REGULATIONS AS WELL AS MINIMUM YARD REQUIREMENTS, OFF-STREET PARKING AND ADDITIONAL STANDARDS FOR USES WITHIN NEW CLASSES OF ZONING DISTRICTS; AMENDING THE OFFICIAL ZONING MAP, INCLUDING THE REZONING OF LANDS WITHIN THE AGRICULTURAL PROTECTION (AP) DISTRICT TO THE URBAN RESIDENTIAL (U) DISTRICT AND DELINEATION OF APO AND UO DISTRICTS; PROVIDING A NEW DEFINITION OF “FAST FOOD RESTAURANT” AND AMENDING THE DEFINITION OF “WAREHOUSE AND WHOLE TRADE” TO BECOME THE NEW DEFINITION OF “WAREHOUSE, WHOLESALE, STORAGE OR DISTRIBUTION USE”; PROVIDING FOR CONDITIONS FOR WAREHOUSE, WHOLESALE, STORAGE OR DISTRIBUTION USE; AMENDING THE REQUIREMENT THAT APPLICANTS PROVIDE SECURITY SERVICES TO SHOPPING CENTERS; AMENDING PROVISIONS REGARDING SIGNS PERMITTED IN VARIOUS ZONING DISTRICTS; REPEALING SECTION 1605 REGARDING TRAFFIC IMPACT STUDIES; REPEALING ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lower Macungie Township is a First Class Township organized and operating under the laws of the Commonwealth of Pennsylvania; and,

WHEREAS, the Pennsylvania Municipalities Planning Code, as amended, confers upon the Board of Commissioners of the Township the authority to amend, change, and/or modify its Zoning Ordinance within the Township; and,

WHEREAS, the Board of Commissioners of Lower Macungie Township believes that providing for industrial, commercial and urban residential growth to the west of Route 100 along and close to Spring Creek Road represents sound land use planning; and,

WHEREAS, the Board of Commissioners of Lower Macungie Township has determined that encouraging such industrial, commercial and urban residential growth to the west of Route 100 along and close to Spring Creek Road is best facilitated by the creation of two new zoning districts and the rezoning of land to the new HI-SC and C-SC Districts and to the existing U District, in order to encourage a more efficient use of land and public services so that economies secured may be a benefit to all, as well as provide a more logical transition between adjacent zoning districts; and,

WHEREAS, the Board of Commissioners also recognizes that the general population is aging and as such, there exists a demand for living arrangements which address the physical and social needs of older persons in the community; and,

WHEREAS, the Board of Commissioners of Lower Macungie Township has determined that providing for an Active Adult Residential Community as a permitted use by right within the new portion of the U - Urban Residential District located to the west of Route 100 enables such demand to be met; and,

WHEREAS, the Board of Commissioners has determined based on its geographic location that it is appropriate to allow for certain infrastructure needs of the Township to be met within limited areas included within the Agricultural Protection district, and that the creation of the APO – Agricultural Protection Overlay District will facilitate that goal; and,

WHEREAS, the Board of Commissioners of Lower Macungie Township has determined that the health, safety and general welfare of the citizens of Lower Macungie Township will be promoted and served by enacting this Ordinance.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of Lower Macungie Township, County of Lehigh, Commonwealth of Pennsylvania, that the Lower Macungie Township Zoning Ordinance of 1998 is hereby amended as follows:

SECTION I Zoning Map.

A revised Official Zoning Map of Lower Macungie Township, marked as last revised April 29, 2010, a copy of which is included herein as **Exhibit “1”** and, together with any explanatory matter thereon, is hereby declared to be a part of the Zoning Ordinance, as set forth in Section 302. The original of this new Official Zoning Map shall be located and displayed in the Office of the Zoning Officer, as provided in Section 302 of the Zoning Ordinance. A detailed view of the portion of the Official Zoning Map involved with the new zoning districts added by this Ordinance is also included herein as **Exhibit “2”**.

SECTION II Table of Contents.

The Table of Contents of the Lower Macungie Township Zoning Ordinance of 1998 is hereby amended to add the following:

10A – C-SC – Commercial – Spring Creek District

- 1000A – Purpose
- 1001A – Uses Permitted by Right
- 1002A – Uses Permitted by Condition
- 1003A – Uses Permitted by Special Exception
- 1004A – Uses Specifically Excluded in the C-SC District
- 1005A – Accessory Uses
- 1006A – Lot Area, Width, Building Coverage, Height Regulations
- 1007A – Minimum Yard Requirements
- 1008A – Off-Street Parking
- 1009A – Additional Standards for Uses in the C-SC District

11A – HI-SC – Highway Industrial – Spring Creek District

- 1100A – Purpose
- 1101A – Uses Permitted by Right
- 1102A – Uses Permitted by Condition
- 1103A – Uses Permitted by Special Exception
- 1104A – Accessory Uses
- 1105A – Lot Area, Width, Building Coverage, Height Regulations
- 1106A – Minimum Yard Requirements
- 1107A – Off-Street Parking
- 1108A – Additional Standards for Uses in the HI-SC District

18A – APO – Agricultural Protection Overlay District

- 1800A – Purpose
- 1801A – Applicability
- 1802A – Authorized Infrastructure
- 1803A – Applicability of SALDO

18B – UO – Urban Residential Overlay District

1800B – Purpose

1801B – Applicability

1802B – Active Adult Residential Community

1803B – Special Provisions for Access Drives and Driveways

1804B – Dimensional Requirements and Ponds

SECTION III **Definitions.**

A. Section 201 of the Lower Macungie Township Zoning Ordinance of 1998 is hereby amended to include the following definition:

201 Definition of Terms

163.1 **Fast Food Restaurant.** A use which offers food or drink through a drive-thru service establishment (see, Section 201.58), where patrons remain inside their motor vehicles in a drive-thru lane, and/or a walk-up window, where patrons approach the use on foot, with the purchased food or drink to be consumed on or off the premises. This use may also include a restaurant offering food or drink for consumption on the premises. Restaurants which offer curbside pick-up and do not have a drive-thru lane shall not be included within fast food restaurants.

B. Section 201 of the Lower Macungie Township Zoning Ordinance of 1998 is further amended to revise Section 201.200 – Warehouse and Wholesale Trade in its entirety to read as follows:

201 Definition of Terms

200 **Warehouse, Wholesale, Storage or Distribution Use.** A commercial enterprise located in a building or group of buildings primarily used for the storage, transfer and/or distribution of goods, products and/or materials. Retail sales of those goods, products and/or materials within such building or group of buildings are specifically excluded.

SECTION IV **Classes of Districts and District Boundaries.**

A. Section 301 of the Lower Macungie Township Zoning Ordinance of 1998 is hereby amended to read as follows:

301 Classes Of Districts

For the purpose of this Ordinance, Lower Macungie Township is hereby divided into sixteen (16) classes of districts which shall be designated as follows:

AP	Agricultural Protection
APO	Agricultural Protection Overlay District
R	Rural
SR	Semi-Rural
S	Suburban Residential
U	Urban Residential
UO	Urban Residential Overlay District
VO	Village Overlay
C	Commercial
C-SC	Commercial – Spring Creek District
I	Industrial
HI-SC	Highway Industrial – Spring Creek District
ORLIC	Office, Research, Light Industrial Center
	Flood Hazard (overlay)
	Steep Slope (overlay)
	Hydric Soils (overlay)

B. Section 302 of the Lower Macungie Township Zoning Ordinance of 1998 is hereby amended to add the following:

6. Delineation and Restriction of Agricultural Protection Overlay District and Urban Residential Overlay District.

6.1 The Agricultural Protection Overlay District shall be considered an overlay to the portion of the AP – Agricultural Protection District designated on the Official Zoning Map and, as such, the provisions of the Agricultural Protection Overlay District shall serve as a supplement to the underlying district provisions in such designated area.

6.2 The Urban Residential Overlay District shall be considered an overlay to the portion of the U – Urban Residential District designated on the Official Zoning Map and, as such, the provisions of the Urban Residential Overlay District shall serve as a supplement to the underlying district provisions in such designated area.

6.3 Where there happens to be any conflict between the provisions or requirements of one of these overlay districts

and its underlying district, the provisions of the overlay district shall apply.

SECTION V **C-SC – Commercial – Spring Creek District**

A new “Article 10A” entitled “C-SC – Commercial – Spring Creek District” is hereby added to the Lower Macungie Township Zoning Ordinance of 1998 and shall read as follows:

ARTICLE 10A
C-SC – COMMERCIAL – SPRING CREEK DISTRICT

1000A Purpose

The purpose of the Commercial – Spring Creek District is to provide a place where township residents and others may purchase goods and services. Development standards as set forth in this Article will be applied to facilitate compatibility with nearby residential uses and to minimize traffic congestion on major nearby roads such as Route 100.

1001A Uses Permitted by Right

The following uses are permitted by right in this Zoning District conditioned on meeting the requirements of Article 21, provided the use type, dimensional and all other applicable requirements of this Ordinance are met:

1. Bank or other financial institution.
2. Bus or taxi cab terminal.
3. Car wash, regardless of whether it is related or accessory to any other retail or other use.
4. Club, lodge or social building.
5. Community center, adult education center or similar facility operated by an educational, philanthropic or religious institution (excluding schools).
6. Cultural facilities, including art galleries, auditoriums, libraries or museums.
7. Day care center.

8. Governmental facilities owned or operated by the Township, County, State, or Federal government or agency thereof.
9. Group care facilities.
10. Medical or dental office building or center with total floor area less than or equal to 50,000 square feet.
11. Mortuary or funeral home [not including crematory]
12. Motel, hotel or motor inn.
13. Office or clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto, with total floor area less than or equal to 50,000 square feet.
14. Office for business or non-profit organization, with total floor area less than or equal to 50,000 square feet.
15. Personal services, including barber, beautician, self-service laundry, shoe repair, tailor, photographer, caterer, health club, travel agency, computer and other information technology customer services office.
16. Planned office or research park.
17. Private educational institution such as school for dance, music, art, drama or similar non-academic courses, but excluding schools (see, Section 201.170).
18. Professional services including (but not limited to) offices of real estate brokers, physicians, lawyers, clergymen, teachers, dentists, architects, engineering, insurance agents, opticians and optometrists and other medical or dental patient-service offices.
19. Repair services such as shops for appliances, watches, guns, bicycles, locks, and the like.
20. Restaurant.
21. Retail store with total floor area less than or equal to 50,000 square feet.
22. Taxidermy.

23. Utility building, structure or facility owned and used by a public utility for the direct provision of services to the public.
24. Wholesale activities, provided all materials are stored within buildings and are offered for sale to the general public.

1002A Uses Permitted by Condition

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission and a hearing by the Board of Commissioners in accordance with the provisions of Article 21, provided all other applicable provisions of this Ordinance are met:

1. Automobile, mobile home, recreational vehicle, travel trailer, boat, snow mobile and motorcycle sales.
2. Automotive service station, regardless of whether dispensing of fuel to motor vehicles is related or accessory to any retail or other use.
3. Bed and breakfast use.
4. Boarding, rooming or lodging house or similar use.
5. Drive-thru service or fast food restaurant.
6. Golf course, golf driving range, pitch-and-putt course, or miniature golf course; indoor or outdoor entertainment or amusement facility such as stadiums, skating rinks, arcades, pool halls, and the like.
7. Hospital.
8. Medical or dental office building or center with total floor area in excess of 50,000 square feet.
9. Nursing home, life care center.
10. Offices or clinics, of any type, with total floor area in excess of 50,000 square feet.
11. Places of worship, excluding schools and cemeteries.
12. Retail store with total floor area in excess of 50,000 square feet.

13. Schools (see, Section 201.170).
14. Shopping center.
15. Tavern.
16. Theater.
17. Veterinary office or animal hospital.

1003A Uses Permitted by Special Exception

The following use and its accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Article 21:

1. Any use of the same general character as those uses permitted by right or condition in this C-SC District.

1004A Uses Specifically Excluded in the C – SC District

1. Tent Sales.
2. Carnivals.
3. Outside of the Building Storage.
4. Trailer Storage.
5. Camp Ground Parking.
6. Adult Book Store, Adult Picture Theater, or Cabaret.

1005A Accessory Uses

Accessory uses on the same lot and customarily incidental to the permitted uses are permitted by right. The term "accessory use" may include the following uses which shall comply with all applicable provisions stated for them:

1. Accessory buildings such as garages and ancillary buildings related to the proposed use and meeting the same yard requirements as the principal buildings.
2. Off-street parking and loading areas in accordance with Article 20, as modified by Section 1008A.
3. Signs in accordance with Article 19.
4. Temporary structures or uses, as outlined in Section 404.10.
5. Outdoor storage use areas for equipment supplies and materials provided that they are screened from view of adjacent properties and streets.
6. Fences and walls shall not exceed eight (8) feet in height and be no closer than two (2) feet to a property line unless there is a letter of consent from the adjacent property owner and in no case shall it be located in the existing street right-of-way.
7. Buffer areas in accordance with Section 1704.
8. Satellite dish antennas in accordance with Section 404.7.
9. Amateur radio antennas in accordance with Section 404.8

1006A Lot Area, Width, Building Coverage, Height Regulations

The following dimensional requirements (minimums or maximums) shall apply to each use permitted in the C-SC – Commercial – Spring Creek District, subject to further applicable provisions of this Ordinance.

Principal Use	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage	Maximum Building and Structure Height
All principal uses	2 acres	150 ft.	40%	50 ft. *

* The prescribed height limit may be exceeded provided that the yard setbacks are increased one (1) foot for each foot of height above 50 feet, but not to exceed 75 feet or five (5) stories, and if adequate fire protection is provided.

1007A Minimum Yard Requirements

The following minimum dimensional requirements shall apply to all uses in the C-SC – Commercial – Spring Creek Zoning District, subject to further applicable provisions of this Ordinance.

Principal Use	Front Yard	Each Side Yard	Rear Yard
All other principal uses	50 ft.	30 ft.	30 ft.

1008A Off-Street Parking

Off-street parking shall be in accordance with Article 20 except as follows:

1. No retail store or shopping center shall be required to provide more than one (1) off-street parking space per 250 square feet of gross floor area.
2. Notwithstanding the provisions of Sections 1603 and 2002.3.4, there may be two (2) accessways for the first 300 feet of frontage and one (1) additional accessway for each additional 150 feet or portion thereof of frontage.

1009A Additional Standards for Uses in the C-SC District

1. Coordinated Developments. Two (2) or more uses permitted in the C-SC – Commercial – Spring Creek District may occupy a single parcel provided that the following requirements are met. These provisions shall supersede those of Sections 1600.11.2 and 1600.12.1.
 - 1.1 All development shall be in accordance with a unified site plan and architectural scheme approved by the Township Board of Commissioners as a land development;
 - 1.2 It shall not be required that the whole of the development be in a single ownership or be built and financed by a single party, if satisfactory evidence is given that all parties financially or otherwise concerned in the development are legally bound to conform to the above required unified site plan and architectural scheme;

- 1.3 The aggregate total floor space of all uses shall be used in determining parking requirements, but such requirements shall not exceed the maximum set in Section 1008A. Buildings may either be joined by common walls or separated. If separated, all minimum yard requirements shall be met; and,
- 1.4 The combined development shall be considered as a single tract for the purposes of determining driveway, access and parking requirements.

SECTION VI HI-SC – Highway Industrial – Spring Creek District

A new “Article 11A” entitled “HI-SC – Highway Industrial – Spring Creek District” is hereby added to the Lower Macungie Township Zoning Ordinance of 1998 and shall read as follows:

**ARTICLE 11A
HI-SC – HIGHWAY INDUSTRIAL – SPRING CREEK DISTRICT**

1100A Purpose

The purpose of the Highway Industrial – Spring Creek District is to provide desirable locations for modern industrial uses in the vicinity of Spring Creek Road west of Route 100 that are harmonious with surrounding uses, to include a permitted Shopping Center use in this district. Performance and development standards will ensure industrial areas that are desirable and that do not constitute a hazard or nuisance to the Township.

1101A Uses Permitted by Right

The following uses are permitted by right in this Zoning District conditioned on meeting the requirements of Article 21 and provided the use type, dimensional and all other applicable requirements of this Ordinance are met:

1. Automobile, mobile home, recreational vehicle, travel trailer, boat, snow mobile and motorcycle sales.
2. Automobile repair garage including painting, body and fender work, or car washing facility with all repair and paint work performed within an enclosed building.
3. Automotive service station.

4. Bank or other financial institution.
5. Bottling, packing or packaging establishment.
6. Commercial laundry not for use by the public on the premises.
7. Day care center located in a planned industrial, office or research park.
8. Drive-thru service or fast food restaurant.
9. Forestry.
10. General construction contracting operations involving the storage of construction equipment or materials.
11. Governmental facilities owned or operated by the Township, County, State or Federal government or agency.
12. Group care facilities.
13. Health club or fitness center located in a planned industrial, office or research park.
14. Hospital.
15. Light metal processes such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, and nuts).
16. Manufacture and assembly of electrical or electronic devices; home, commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators and air conditioners.
17. Manufacture and assembly of metal and wood products, but excluding raw materials processing.
18. Manufacture, assembly or treatment of articles or merchandise from previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather and fur

(excluding tanning, curing and dyeing), precious or semi-precious metals or stones, shell, textiles and tobacco.

19. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches; medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys; wood products (excluding planning mills and bulk processing of wood and lumber).
20. Manufacture of concrete or brick products.
21. Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
22. Metal fabrication and assembly.
23. Mortuary or funeral home.
24. Offices.
25. Personal services, including barber, beautician, self-service laundry, shoe repair, tailor, photographer, caterer, health club, travel agency, computer and other information technology customer services office located in a planned industrial, office or research park.
26. Places of worship and/or cemetery.
27. Planned industrial, office or research park.
28. Processing and combining of food products (except meat and fish), including baking, canning, cooking, freezing and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, or fish, milling flour, roasting coffee or spices.
29. Processing, packaging, and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.

30. Professional offices including management, real estate, insurance, legal, engineering and other professional endeavors, not including retail sales activities.
31. Publishing, printing, lithographing, bookbinding or similar establishment.
32. Private, non-profit recreation or education facility, such as company-sponsored recreation and technical training institutes.
33. Research laboratory or similar experimental testing or scientific establishment.
34. Restaurants and taverns.
35. Retail store.
36. Self-Storage Facility.
37. Shopping center.
38. Utility building, structure or facility owned and used by a public utility for the direct provision of services to the public.
39. Warehouse, wholesale, storage or distribution use.

1102A Uses Permitted by Condition

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission and a hearing by the Board of Commissioners in accordance with the provisions of Article 21, provided all other applicable provisions of this Ordinance are met.

1. Schools (see, Section 201.170).

1103A Uses Permitted by Special Exception

The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Article 21.

1. Heliports.

2. Any use of the same general character as those uses permitted by right or condition in this HI-SC District.

1104A Accessory Uses

Accessory uses on the same lot and customarily incidental to the permitted uses are permitted by right. The term "accessory use" may include the following uses which shall comply with all applicable provisions stated for them:

1. Accessory buildings such as garages and ancillary buildings related to the proposed use and meeting the same yard requirements as the principal buildings.
2. Off-street parking and loading areas in accordance with Article 20, as modified by Section 1107A.
3. Signs in accordance with Article 19.
4. Temporary structures or uses, as outlined in Section 404.10.
5. Outdoor storage use areas for equipment supplies and materials provided that they are screened from view of adjacent properties and streets.
6. The storage of crude oil or any of its volatile products or other highly inflammable liquids as an accessory use in underground tanks, provided that no individual tank shall have a capacity greater than 10,000 gallons. Propane liquefied gas shall be stored above ground.
7. Fences and walls shall not exceed eight feet (8) feet in height and be no closer than two (2) feet to a property line unless there is a letter of consent from the adjacent property owner and in no case shall it be located in the existing street right-of-way.
8. Buffer areas in accordance with Section 1704.
9. Satellite dish antennas in accordance with Section 404.7.
10. Amateur radio antennas in accordance with Section 404.8.
11. Home occupations in accordance with Section 404.9.

1105A Lot Area, Width, Building Coverage, Height Regulations

The following dimensional requirements (minimums or maximums) shall apply to each principal use permitted in the District by right, by condition and by special exception, subject to further applicable provisions of this Ordinance.

Principal Use	Minimum Lot Area	Minimum Lot Width (ft.)	Maximum Lot Coverage	Maximum Building Coverage (%)	Maximum Building and Structure Height (ft.)
All principal uses	2 acres	150 ft.	70%, however an additional 5% of the lot may be covered with pervious pavement	40%	50 ft. *

* The prescribed height limit may be exceeded provided that the minimum yard setbacks are increased one (1) foot for each foot of height above 50 feet, but not to exceed 75 feet, and if adequate fire protection is provided.

1106A Minimum Yard Requirements

The following minimum dimensional requirements shall apply to all uses in the HI – SC – Highway Industrial – Spring Creek District, subject to further applicable provisions of this Ordinance.

Principal Use	Front Yard	Each Side Yard	Rear Yard
All other principal uses	50 ft.	30 ft.	30 ft.

1107A Off-Street Parking

Off-street parking shall be in accordance with Article 20 except as follows:

1. No retail store or shopping center shall be required to provide more than one (1) off-street parking space per 250 square feet of gross floor area.

2. Notwithstanding the provisions of Sections 1603 and 2002.3.4, there may be two (2) accessways for the first 300 feet of frontage and one (1) additional accessway for each additional 150 feet or portion thereof of frontage.

1108A. Additional Standards for Uses in the HI-SC District

1. Coordinated Developments. Two (2) or more uses permitted in this HI – SC – Highway Industrial – Spring Creek District may occupy a single parcel provided that the following requirements are met. These provisions shall supersede those of Sections 1600.11.2 and 1600.12.1.
 - 1.1 All development shall be in accordance with a unified site plan and architectural scheme approved by the Township Board of Commissioners as a land development;
 - 1.2 It shall not be required that the whole of the development be in single ownership or be built and financed by a single party, if satisfactory evidence is given that all parties financially or otherwise concerned in the development are legally bound to conform to the above required unified site plan and architectural scheme;
 - 1.3 The aggregate total floor space of all uses shall be used in determining parking requirements, but such requirements shall not exceed the maximum set in Section 1107A. Buildings may either be joined by common walls or separated. If separated, all minimum yard requirements shall be met; and,
 - 1.4 The combined development shall be considered as a single tract for the purposes of determining driveway, access and parking requirements.

SECTION VII APO – Agricultural Protection Overlay District

A new “Article 18A” entitled “APO – Agricultural Protection Overlay District” is hereby added to the Lower Macungie Township Zoning Ordinance of 1998 and shall read as follows:

ARTICLE 18A
APO – AGRICULTURAL PROTECTION OVERLAY DISTRICT

1800A Purpose

The purpose of the APO – Agricultural Protection Overlay District is to continue the protection of the lands which comprise the AP – Agricultural Protection District while providing for the installation of public and private utilities, implementation of stormwater management, and construction and expansion of roadways which are beneficial to the residents of the Township and others inside or outside of that District. Restrictions on the installation of infrastructure in that District found, for example, in Section 406.5, should be lifted in the AP – Agricultural Protection District within this Overlay District. In addition, this Overlay District will enable the residents and others to learn through signage erected within the Overlay District about those lands which have been dedicated or preserved from development, and enable the Township to better promote the preservation of land.

1801A Applicability

The standards and regulations contained in this Article are applicable only to lands in the AP – Agricultural Protection District specifically designated for this Overlay District on the Official Zoning Map.

1802A Authorized Infrastructure

1. The infrastructure or improvements permitted by this Article to be installed or constructed in those portions of the AP – Agricultural Protection District contained within this Overlay District are the following:
 - 1.1 Underground utilities (including both public and private services).
 - 1.2 Overhead utilities along existing roads and/or creeks within this Overlay District.
 - 1.3 Wetlands mitigation, except west of Smith Lane on dedicated open space outside of the 100 year floodplain.
 - 1.4 Drainage swales.
 - 1.5 Improvements to existing roads including dedication of right-of-way and highway easements, and excavation in the 500 year floodplain in accordance with Chapter 18 of Appendix A to the extent required for roadway improvements.

1.6 Signage designed to highlight areas of those portions of the AP – Agricultural Protection District contained within this Overlay District which have been dedicated to the Township or preserved through recorded and perpetual covenants as described herein.

2. In addition to those improvements specified in Section 1802A.1, the following infrastructure may be installed in those portions of the AP – Agricultural Protection District contained within this Overlay District if the lands on which they are installed will not be dedicated to the Township:

2.1 Conduits and pipes.

2.2 Ponds.

2.3 Best management practices structures.

2.4 Other stormwater structures and facilities of any type associated with the management of stormwater or stormwater quality, including without limitation for the purposes of stormwater detention, retention, irrigation, infiltration and other forms of stormwater management or addressing stormwater quality.

3. Stormwater management and quality infrastructure installed pursuant to this Section 1802A may be for the benefit of any lands, including lands other than those on which they are installed.

1803A Applicability of SALDO

The infrastructure installed pursuant to these Overlay District provisions shall be subject to the applicable provisions of the Subdivision and Land Development Ordinance of Lower Macungie Township.

SECTION VIII **UO – Urban Residential Overlay District**

A new “Article 18B” entitled “UO – Urban Residential Overlay District” is hereby added to the Lower Macungie Township Zoning Ordinance of 1998 and shall read as follows:

ARTICLE 18B
UO – URBAN RESIDENTIAL OVERLAY DISTRICT

1800B Purpose

The purposes of the UO – Urban Residential Overlay District are to provide for the creation of urban residential areas and to allow for the option of creating

Active Adult Residential Communities within those urban residential areas at locations deemed to be desirable for them.

1801B Applicability

The standards and regulations contained in this Article are applicable only in those areas within Lower Macungie Township to the west of Route 100 which are zoned U – Urban Residential District.

1802B Active Adult Residential Community

1. Additional Permitted Use

Within the area designated by this Overlay District, an Active Adult Residential Community is a use permitted by right. Between the provisions of this Overlay District and the provisions of Section 2140 – Active Adult Residential Community, the provisions of this Overlay District shall control. Otherwise, the provisions of Section 2140.4.Q shall govern the dimensional requirements applicable to an Active Adult Residential Community within this Overlay District.

2. Uses Permitted by Right

In addition to the uses permitted by right under Section 2140.3 in an Active Adult Residential Community, single family attached dwelling units shall be permitted by right with groupings of not more than six (6) connected dwelling units.

3. Applicability of SALDO

All references in Section 2140 to provisions contained in Article 7 of SALDO shall, for purposes of this Overlay District and such Community, be construed as references to the corresponding provisions of Article 7A of SALDO.

4. General Performance Standards

Within the area designated by this Overlay District, the requirements of Section 2140.4 are modified as set forth below:

- a. In recognition of the higher density permitted with the U – Urban Residential District, an Active Adult Residential Community within this Overlay District may have a maximum density of 8.0 dwelling units per gross acre of the use’s tract within the Township.
- b. Every private street cartway shall be a minimum of twenty-eight (28) feet in width.

- c. No berms or berm/retaining wall combinations shall be required along any public roads.
- d. Reverse frontage lots to which Section 732A.3 of SALDO applies shall only be required to have a rear yard with a minimum depth of fifty (50) feet measured along the shortest distance from the proposed dwelling unit to the ultimate right of way.
- e. Not more than 50% of the lineal frontage of any single family detached dwelling or single family semi-detached dwelling unit or of any single family attached dwelling end unit shall consist of a paved surface. No lineal frontage restriction shall apply to other single family attached dwelling units.

5. Recreational Performance Standards

Within the area designated by this Overlay District, the requirements of Section 2140.5 are modified as set forth below:

- a. For purposes of this Overlay District, floodplain, contiguous land within adjacent municipalities, and noncontiguous lands within this Township separated at its nearest point from the perimeter of the Community by no more than twelve thousand (12,000) feet, may be counted towards the amount of open space required under Section 2140.5.B.
- b. The bituminous-paved pathway required by Section 2140.5.C.1 shall only be required within acreage comprising the Active Adult Residential Community and not in any land outside of that acreage which is counted by the Township towards the recreation and/or open space requirement for the Community.
- c. The required indoor community center shall include the minimum of interior building recreational space per dwelling unit in the Community as noted below:

1.	Single Family Detached Dwelling	30	square feet.
2.	All Other Dwellings	20	square feet.
- d. Section 2140.5.F shall not apply within this Overlay District.

6. Modifications or Waivers

For purposes of this Overlay District, the Board of Commissioners may modify or waive the provisions of Section 2140.5, in accordance with Section 1050 of SALDO, as amended, and with Section 512.1 of the Municipalities Planning Code, 53 P.S. Sec. 10512.1. This provision shall replace in its entirety Section 2140.5.I.

1803B Special Provisions for Access Drives and Driveways

Within this Overlay District, Section 2002.3.5 shall be modified to set the minimum distance between an access drive or driveway and the centerline of any intersection at fifty (50) feet.

1804B Dimensional Requirements and Ponds

The dimensional requirements of Sections 805 and 806 shall not apply in this Overlay District to any lot which contains only a detention pond or retention pond and which lot is intended for dedication to the Township.

SECTION IX **Amending Article 19 – Signs**

A. Section 1915.1 is amended to read as follows:

1915 **Signs Permitted in Commercial Districts**

1. The following types of signs are permitted in all C- Commercial and C-SC – Commercial – Spring Creek Districts:

B. Section 1916.1 is amended to read as follows:

1916 **Signs Permitted in Industrial and ORLIC Districts**

1. The following types of signs are permitted in the I – Industrial and HI-SC – Highway Industrial – Spring Creek Districts:

SECTION X **Amending Article 21 – Conditional Uses, Special Exception Uses and Certain Uses By Right Subject to Specific Additional Criteria.**

A. Article 21 is hereby amended to add Section 2136A as follows:

2136A **Warehouse, Wholesale, Storage, or Distribution Use**

1. Every building or group of buildings containing this use shall have amenities for the truck drivers/operators of the vehicles using such building or group of buildings, including, but not limited to a suitable lounge for those drivers/operators, with restrooms facilities, and dispensing machines or other facilities to provide food and beverages all sized appropriately for the use. These amenities shall be in addition to any such facilities provided to on-site employees.
2. The size of each such amenity required by this Section shall be proportionate to the number of loading/unloading docks/doorways of the use.
3. Truck parking for the amenities required by this Section shall be in close proximity to the building or group of buildings and in a suitable, safe, and separately-defined location. The amount of truck parking spaces for the amenities shall be appropriate for the use.
4. Trucks parking in the spaces required by this Section shall not have engines idling unless required for safety or weather-related reasons.
5. All trucks awaiting access to a loading/unloading dock/doorway shall park in the parking spaces designated for the amenities required by this Section unless all such spaces are already occupied.

B. Article 21 is further amended to revise Section 2133.6 to read as follows:

2133 Shopping Center

* * *

6. The applicant shall provide security services on the center's grounds in areas located outside of the center's building or buildings. The security services shall be adequate to protect the safety of persons and property while in those areas. The adequacy of such outdoor security services, and the means to assure that the services continue throughout the life of the commercial use, shall be presented by the applicant for approval by the Board of Commissioners.

SECTION XI Repealing Section 1605– Traffic Impact Study

Section 1605 of the Lower Macungie Township Zoning Ordinance of 1998, regarding traffic impact studies, is hereby repealed in its entirety. By separate ordinance,

traffic impact studies shall now be provided for in the Lower Macungie Township Subdivision and Land Development Ordinance in a new Appendix “B”.

SECTION XII Repealer.

All ordinances, resolutions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION XIII Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION XIV Effective Date.

This Ordinance shall become effective one (1) day after enactment or upon recordation of this Ordinance within the Township’s official Ordinance Book, whichever comes later.

ENACTED and ORDAINED this ___th day of _____, A.D. 2010.

ATTEST:

**LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS**

Renea Flexer, Secretary

Roger C. Reis, President